

GOVERNMENT OF TELANGANA
ABSTRACT

Prisoners – Special Remission to prisoners of specific categories and their release in three phases on Commemoration of 150th Birth Anniversary of Mahatma Gandhi – Constitution of Committee - Guidelines issued.

HOME (SERVICES-III) DEPARTMENT

G.O.Ms.No. 87

Dated: 28-08-2018

Read the following:-

1. Govt.of India No.17013/17/2018-PR, dt:31.07.2018 of the Joint Secretary (Women Safety), Government of India, Ministry of Home Affairs, New Delhi.
2. From the D.G. Prisons& Correctional Services, Telangan, Hyderabad, Lr.No.RC3/362/2018, Dt:16-08-2018

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O R D E R:

In the letter 1st read above it is informed that the Government of India has decide to celebrate 150th Birth Anniversary of Mahatma Gandhi from October 2, 2018 to October 2, 2020. As part of celebrations, Government of India has decided to give Special Remission to specific category of prisoners in three phases – first on 2nd October, 2018 (Birth Anniversary of Mahatma Gandhi), second on 6th April, 2019 (Anniversary of Dandi March) and third on 2nd October, 2018 (Birth Anniversary of Mahatma Gandhi), it would befit the occasion and a homage to the Father of Nation, for the humanitarian values the Mahatma Gandhi stood for. Certain guidelines/procedure has been prescribed for grant of special remission and requested the State Government to constitute a Committee with certain composition and cutoff dates for action to be taken for above 3 phases.

2. Accordingly, Government, after careful examination of the matter, hereby constitute a Committee with the following members, under the Chairmanship of the Principal Secretary to Government, Home Department to review the lists of eligible convicts and recommend to Government for consideration of eligible cases for grant of special remission or otherwise :-

- i) Principal Secretary to Government, Home Department – Chairman
- ii) Secretary to Government, Law (Legal Affairs and Legislative Affairs & Justice) Department – Member
- iii) Director General, Prisons and Correctional Services, Telangana, -Member Secretary.

3. The Committee shall consider and scrutinize all cases keeping in view the conditions prescribed and make its recommendations to State Government satisfying / fulfilling conditions mentioned below as per timelines indicated in Annexure, so as the State Government to place the recommendation of the Committee before the Governor for consideration and approval in exercise of his power under Article 161 of the Constitution. Cases where approval of the Central Government is required as per law will be sent to the Ministry of Home Affairs. The foreign national convicts shall be released with concurrence of the Ministry of External Affairs.

4. The following categories of prisoners who have consistently maintained overall good conduct, will be eligible for special remission:

- (a) Women convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them)
- (b) Transgender convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them)

- (c) Male convicts of 60 years of age and above, who have completed 50% of their actual sentence period (i.e. without counting the period of general remission earned by them)
- (d) Physically challenged/disabled convicts with 70% disability and more (duly certified by a Medical Board) who have completed 50% of their actual sentence period (ie. Without counting the general period of remission earned by them).
- (e) Terminally ill convicts (duly certified by a Medical Board)
- (f) Convicted prisoners who have completed two-third (66%) of their actual sentence period (i.e. without counting the period of general remission earned by them)

5. Special remission is not to be granted to the following categories of convicts:

- (i) Persons convicted for an offence for which the sentence is sentence of death or where death sentence has been commuted to life imprisonment;
- (ii) Persons convicted for an offence for which punishment of death has been specified as one of the punishments;
- (iii) Persons convicted for an offence for which punishment of life imprisonment has been specified as one of the punishments;
- (iv) Cases of convicts involved in terrorist activities or persons convicted under Terrorist and Disruptive Activities (Prevention) Actm 1985 (TADA), The Prevention of Terrorism Act, 2002 (POTA), Unlawful Activities (Prevention) Act, 1967 (UAPA), The Explosive Substances Act, 1908, The National Security Act, 1982 (NSA), Official Secrets Act, 1923, Anti-Hijacking Act, 2016;
- (v) Cases of prisoners convicted for Dowry death;
- (vi) Cases of prisoners convicted for counterfeiting currency notes (FICN) – cases under section 489 (A & E) of Indian Penal Code;
- (vii) Cases of prisoners convicted for the offence of Rape, human trafficking and the Protection of Children from sexual Offences Act, 2012 (POCSO), Immoral Traffic (Prevention) Act, 1956;
- (viii) Cases of prisoners convicted under Prevention of Money Laundering Act, 2002 Foreign Exchange Management Act, 1999 (FEMA), Black Money (undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015;
- (ix) Cases of prisoners convicted under the Narcotic Durgs and Psychotropic Substances Act, 1985 (NDPS);
- (x) Cases of prisoners convicted under the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities), Act, 2005;
- (xi) Cases of prisoners convicted under the Prevention of Corruption Act, 1988;
- (xii) Cases of Prisoners convicted for offense against the State (chapter-VI of IPC); and
- (xiii) Prisoners convicted under any other law which the State Government / UT Administrations consider appropriate to exclude.

Note: The age of convicts be calculated according to matriculation certificate or birth certificate. In the absence of both it may be calculated according to the judgment of the trial Court and the Superintendent Jail to ensure the correctness of age.

6. The Director General of Prisons and Correctional Services, Telangana, Hyderabad/Member Secretary of the Committee shall take necessary follow up action keeping in view of the Guidelines and timeline for conduct meeting for preparation of the eligible convicts and submit to the Government for taking further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RAJIV TRIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To,
Principal Secretary to Government, Home Department.

(Contd...)

The Secretary to Government, LAW (LA-LA&J) Department, Telangana, Hyderabad.

The Director General of Prisons and Correctional Services, Telangana, Hyderabad.

Copy to:

The Director General of Police, Telangana, Hyderabad.

The P.S to Principal Secretary to Governor, Rajbhavan, Hyderabad.

The P.S. to Principal Secretary to CM

OSD to M(Home)

P.S. to C.S. to Government.

SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE
TIME LINES

(Annexure to G.O.Ms.No. 87, Home (Services-III) Department, Dt: 28.08.2018.)

[Cutoff date for Phase-I -1st October, 2018, for Phase-II – 6th April, 2019 and for Phase-III – 1st October, 2019]

S.No.	Action to be taken	Phase-I	Phase-II	Phase-III
1	Prison authorities to identify and submit details of prisoners covered under the guidelines to the State Government	15 th August 2018	6 th January 2019	10 th March 2019
2	(i)State process the cases and submit for consideration of the Committee to be constituted by State (ii) State to forward the cases where specific approval/concurrence of Central Government	30 th August 2018	26 th January 2019	30 th June 2019
3	The Committee to hold meeting to consider cases and complete its recommendations	10 th September 2018	6 th February 2019	30 th July 2019
4	Submission of recommendations of the Committee for approval of competent authority/ Governor	20 th September 2018	1 st March 2019	15 th August 2019
5	Completion of approval process and release formalities/process	25 th September 2018	11 th March 2019	25 th September 2019
6	Release of prisoners	2 nd October 2018	6 th April 2019	2 nd October 2019

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PRINCIPAL SECRETARY TO GOVERNMENT